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*Attorneys for Plaintiff Crystal Torno*

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

CRYSTAL TORNO (a.k.a. CRYSTAL A.  
 THOMAS-BOLDUC), an individual,

Plaintiff,

vs.

GREEN TREE SERVICING, LLC;  
 NATIONAL DEFAULT SERVICING  
 CORPORATION; and PREMIER AMERICAN  
 TITLE AGENCY, INC., FANNIE MAE; and  
 DOES 1-10, inclusive,

Defendants.

Case No. 2:15-cv-01018-APG-PAL

**STIPULATION AND ORDER:**

**(1) RESOLVING CRYSTAL TORNO’S MOTION  
 FOR SANCTIONS [ECF No. 78]; AND**

**(2) EXTENDING TIME FOR PLAINTIFF  
 CRYSTAL TORNO TO FILE HER REPLY IN  
 SUPPORT OF HER MOTION FOR LEAVE TO  
 FILE THIRD AMENDED COMPLAINT [ECF  
 No. 74] (FOURTH REQUEST).**

IT IS HEREBY STIPULATED AND AGREED by and among Plaintiff Crystal Torno (“Ms. Torno”), Defendant Green Tree Servicing, LLC (“Green Tree”), Defendant Federal National Mortgage Association (“Fannie Mae”), and Defendant National Default Servicing Corporation (“National Default”) (collectively, the “Parties”), through their counsel, as follows:

1. Whereas, at a July 28, 2016 status conference, the Court—treating Plaintiff’s Status Report as a Motion to Compel—ordered Green Tree to “produce 50 random loan files” where Green Tree was the servicer of the note, where Green Tree executed the affidavit of authority, and where

1 the affidavit of authority identified Green Tree as the beneficiary” (the “Order Granting Motion to  
2 Compel”). (ECF No. 69, Minutes of Proceedings, July 28, 2016 (emphasis added).)

3       2.       Whereas, the Parties agreed on a protocol for selecting the 50 random loan files and  
4 Green Tree ultimately produced copies of the deed of trust, the assignment of the deed of trust to  
5 Green Tree, and notice of default including the affidavit of authority for each of the 50 random loan  
6 files.

7       3.       Whereas, a dispute arose between the Parties as to whether this production satisfied  
8 the letter and intent of the Court’s Order Granting Motion to Compel.

9       4.       Whereas, on November 15, 2016, Ms. Torno filed a Motion for Sanctions Against  
10 Green Tree Servicing, LLC Pursuant to Federal Rule of Civil Procedure 37(b)(2)(A) (the “Motion  
11 for Sanctions”), contending that Green Tree had failed to comply with the Order Granting Motion to  
12 Compel and claiming that Green Tree was obligated to produce the entirety of all 50 loan files. (*See*  
13 ECF No. 78.) Green Tree maintains that it complied with the Order Granting Motion to Compel  
14 because it provided sufficient documentation to allow Plaintiff to determine if there was a legitimate  
15 basis for pursuing class certification.

16       5.       Whereas, on November 17, 2016, the Court granted the Parties’ Stipulation and Order  
17 extending the Defendants’ deadline to file their response to Ms. Torno’s Motion for Leave to File  
18 Third Amended Complaint (ECF No. 74) (the “Motion for Leave”) to November 21, 2016, and  
19 extending Ms. Torno’s deadline to file her reply in support of her Motion for Leave to December 9,  
20 2016. (*See* ECF No. 79.)

21       6.       Whereas, on November 22, 2016, the Court granted the Parties’ Stipulation and Order  
22 extending the Defendants’ deadline to file their response to the Motion for Leave to November 23,  
23 2016, and extending Ms. Torno’s deadline to file her reply in support of her Motion for Leave to  
24 December 13, 2016. (*See* ECF No. 83.)

25       7.       Whereas, on December 1, 2016, the Court granted the Parties’ Stipulation and Order  
26 extending Green Tree’s deadline to file its response to Ms. Torno’s Motion for Sanctions Against  
27 Green Tree Servicing, LLC Pursuant to Federal Rule of Civil Procedure 37(b)(2)(A) (ECF No. 78)  
28 (the “Motion for Sanctions”) to December 15, 2016. (*See* ECF No. 88.)

1           8.       Whereas, on December 8, 2016, the Parties filed a Stipulation and Order: (1)  
2 Extending Time for Plaintiff Crystal Torno to File Her Reply in Support of Her Motion for Leave to  
3 File Third Amended Complaint [ECF No. 74] (Third Request); and (2) Extending Time for  
4 Defendant Green Tree Servicing, LLC to File its Response to Plaintiff Crystal Torno's Motion for  
5 Sanctions Against Green Tree Servicing, LLC Pursuant to Federal Rule of Civil Procedure  
6 37(B)(2)(A) [ECF No. 78] (Second Request). (*See* ECF No. 89.)

7           9.       Whereas, a hearing on the Motion for Leave and the Motion for Sanctions is currently  
8 scheduled for January 10, 2017, at 10:30 a.m. (*See* ECF No. 79, at 3:6-9.)

9           10.      Whereas, the Parties have completed briefing on Fannie Mae and Green Tree's  
10 Motion to Strike Class Allegations ("Motion to Strike"), which is now awaiting a ruling from the  
11 Court. (*See* ECF No. 70, 75, and 85.)

12          11.      The Parties hereby stipulate and agree to resolve the Motion for Sanctions as follows:

13               (a)     Within three (3) days of entry of the Stipulation and Order, Green Tree will  
14 provide the assignments from Green Tree to Fannie Mae identified through a reasonable  
15 review of the fifty (50) random loan files compelled by the Court. (*See* ECF No. 69).  
16 Counsel for Green Tree will provide a cover letter with the production representing that  
17 Green Tree conducted a reasonable review of the fifty (50) random loan files and providing a  
18 general description of that review process. This cover letter and production shall be deemed  
19 to satisfy Green Tree's obligations pursuant to the Court's Order granting Ms. Torno's  
20 Motion to Compel.

21               (b)     Within ten (10) days of entry of the Stipulation and Order, Green Tree will  
22 pay Ms. Torno \$750 in attorney's fees and costs.

23               (c)     Ms. Torno's deadline to file a reply brief in support of her Motion for Leave  
24 (ECF No. 74) will be extended forty-five (45) days, from December 23, 2016 to February 6,  
25 2017. The purpose of this extension is to enable Ms. Torno to review the documents being  
26 provided by Green Tree and analyze whether pursuit of class certification is appropriate in  
27 this matter.  
28

(d) Additionally, the Court will hold in abeyance issuing any ruling on the Green Tree's Motion to Strike until February 6, 2017.

(e) The hearing on the Motion for Leave will be extended to a date and time on or after February 13, 2017 as determined by the Court.

(f) The Motion for Sanctions will be withdrawn and the hearing for the Motion for Sanctions will be vacated.

DATED this 6<sup>th</sup> day of January, 2017.

DATED this 6<sup>th</sup> day of January, 2017.

TIFFANY & BOSCO, P.A.

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By: /s/ Kevin S. Soderstrom

By: /s/ Michael Hogue

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*Attorneys for Defendant National Default  
Servicing Corporation*

*Attorneys for Defendants Green Tree Servicing,  
LLC and Federal National Mortgage  
Association*

DATED this 6<sup>th</sup> day of January, 2017.

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By: /s/ Paul C. Williams

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**ORDER**

IT IS SO ORDERED:

1. Within three (3) days of entry of the Stipulation and Order, Green Tree will provide the assignments from Green Tree to Fannie Mae identified through a reasonable review of the fifty (50) random loan files compelled by the Court. (*See* ECF No. 69). Counsel for Green Tree will provide a cover letter with the production representing that Green Tree conducted a reasonable review of the fifty (50) random loan files and providing a general description of that review process. This cover letter and production shall be deemed to satisfy Green Tree's obligations pursuant to the Court's Order granting Ms. Torno's Motion to Compel.

2. Within ten (10) days of entry of the Stipulation and Order, Green Tree will pay Ms. Torno seven hundred fifty dollars (\$750) in attorney's fees and costs.

3. The Motion for Sanctions (ECF No. 78) is hereby WITHDRAWN.

4. The hearing for the Motion for Sanctions is hereby VACATED.

5. Ms. Torno's deadline to file a reply brief in support of her Motion for Leave (ECF No. 74) is extended forty-five (45) days, from December 23, 2016 to February 6, 2017.

6. The Court will STAY issuing any ruling on the Green Tree's Motion to Strike until February 6, 2017.

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1           7.       The hearing on the Motion for Leave (ECF No. 74) is RESET from January 10, 2017,  
2 at 10:30 a.m., to February 14, 2017, at 10:00 a.m.

3  
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5   
6 UNITED STATES MAGISTRATE JUDGE

7 Dated: January 11, 2017

8 Respectfully Submitted by:

9 BAILEY ♦ KENNEDY

10 By: /s/ Paul C. Williams

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